

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**THOMAS DOUGLAS, Administrator of the
Estate of SEBERA GAYLE DOUGLAS,
Deceased**

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:06-CV-188-WKW

PACTIV CORPORATION; et al.

DEFENDANTS

**MOTION TO ALLOW PLAINTIFF TO SEND
DISPUTED MATERIAL TO MAGISTRATE JUDGE
FOR *IN CAMERA* INSPECTION**

Comes now the Plaintiff and says as follows:

1. Plaintiff has prepared a video recording which has subsequently been transferred in whole to a CD for electronic storage and viewing. This CD is referred to in this and subsequent statements as the *Floral Mediation CD*.

2. The *Floral Mediation CD* contains the recorded witness interviews which are the subject of Defendants' motion to compel production.

3. The *Floral Mediation CD* is the exact written format previously

shown to Defendants after a confidentiality agreement.

4. The Florala Mediation CD takes approximately 80 minutes to review.

Wherefore, the Plaintiff moves this Court for an order or invitation to send a CD version of the Florala Mediation CD to this Court for an *in camera* inspection to determine that the material contained in the CD is not subject to discovery and that the witness statements of Buck Roberts, Roy Ezell, Carlton Dukes and Jacky Partridge are substantially the same as their affidavits previously provided to this Court and the Defendants.

Respectfully submitted this 30th day of June, 2006.

/s/ W. Eason Mitchell
W. EASON MITCHELL (MIT020)
The Colom Law Firm, LLC
Post Office Box 866
Columbus, MS 39703-0866
Telephone: 662-327-0903
Facsimile: 662-329-4832

Certificate of Service

I, W. Eason Mitchell, hereby certify that on June 30, 2006, I electronically filed the foregoing *Motion to Allow Plaintiff to Send Disputed Material to Magistrate Judge for in Camera Inspection* with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

H. Thomas Wells, Jr., Esq.
John A. Earnhardt, Esq.
Dennis R. Bailey, Esq.
R. Austin Huffaker, Esq.
Edwin Bryan Nichols, Esq.
Erin O'Kane Scott, Esq.
John C. Berghoff, Jr, Esq.
Matthew C. Sostrin, Esq.
Mark R. Ter Molen, Esq.

/s/ W. Eason Mitchell
W. Eason Mitchell

63946.wpd